

Applicant: ISHIZAKA *et al.*  
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### **REMARKS**

In response to the Office Action mailed April 4, 2007 (hereinafter "Office Action"), no claims have been cancelled or newly added. Claims 17-26 have been amended to reflect that they have been withdrawn from consideration due to an election to a restriction requirement. Therefore, claims 1-16 are pending. In view of the foregoing amendments and following comments, allowance of all the claims pending in the application is respectfully requested.

### **INFORMATION DISCLOSURE STATEMENT**

Applicants thank the Examiner for considering the references cited in the Information Disclosure Statement filed on August 28, 2003, as evidenced by the signed and initialed copy of the PTO-1449 Form returned with the Office Action.

Applicants are submitting herewith a Supplemental Information Disclosure Statement and respectfully request that the Examiner consider the cited references and provide a signed copy of the Form PTO-1449 for this submission with the next Office Action.

### **REJECTIONS UNDER 35 U.S.C. §102**

Claims 1-16 stand rejected under 35 U.S.C. §102(e) as allegedly being clearly anticipated by WO 2004/020692 A1 to Kojima *et al.* ("Kojima I"). Applicants respectfully traverse this rejection for *at least* the reason that Kojima is not available as a prior art reference under 35 U.S.C. §102(e).

Applicants remind the Examiner that 35 U.S.C. 102 states:

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A person shall be entitled to a patent unless-(e) the invention was described in - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language. (emphasis added).

Clearly, WO 2004/020692 A1 is not published in English, but in Japanese and thus is disqualified as prior art under this section. Based on this oversight by the Examiner, Applicants have had to conduct a search based upon this Japanese WIPO publication and have uncovered U.S. Published Application No. 2005/0235918 A1 to Kojima *et al.* ("Kojima II"), which is being submitted herewith in an Information Disclosure Statement, which is based on the priority PCT filing in Japan, namely PCT/JP03/10506, that WO 2004/020692 A1 is based.

Since WO 2004/020692 A1 is disqualified as prior art, the remainder of this response will be directed to Kojima II. Kojima II does not anticipate claims 1-16 *at least* because Kojima II does not disclose, either expressly or inherently, all the limitations of the claims.

With this said, claim 1 is directed to a substrate treatment device and recites, *inter alia*, a capturing unit interposed between the treatment chamber and the pump and containing fine grains, configured to capture by the fine grains at least one kind of the treatment gas exhausted from the treatment chamber in claim 1.

Claim 6 is directed to a substrate treatment device and recites, *inter alia*, a capturing unit interposed between the treatment chamber and the pump, configured to capture by a

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chemical action at least one kind of the treatment gas exhausted from the treatment chamber in claim 6.

Claim 10 is directed to a substrate treatment device and recites, *inter alia*, an inert gas supply system configured to supply an inert gas into the exhaust system that is on a downstream side of the pump on a final stage in claim 10.

Claim 14 is directed to a substrate treatment device and recites, *inter alia*, a heater configured to heat the exhaust system that is on a downstream side of the pump on a final stage in claim 14.

In contrast, Kojima II does not disclose the capturing unit, the inert gas supply system and the heater for reducing the clogging of the exhaust system as recited in claims 1, 6, 10 and 14. Kojima II merely discloses a substrate treating apparatus including a treatment chamber 4 for housing a substrate, a supply system 10, 20, and a exhaust system 30. *See*, Figure 1 of Kojima II.

Therefore, Kojima II fails to anticipate claims 1, 6, 10 and 14 *at least* because Kojima II fails to disclose all the features of claims 1, 6, 10 and 14. Thus, claims 1, 6, 10 and 14 are clearly patentable. Claims 2-5, 7-9, 11-13 and 15-16 are patentable over Kojima II *at least* by virtue of their dependency from an allowable base claim (claims 1, 6, 10 and 14, respectively), and for the additional features they recite.

Thus, Applicants request that the rejection under 35 U.S.C. §102(e) be withdrawn and the claims be allowed.

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### CONCLUSION

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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Respectfully submitted,

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